

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BERKSHIRE PARTNERS LLC,

Plaintiff/Counterclaim-defendant,

- against -

BALL CORPORATION,

Defendant/Counterclaim-plaintiff.

No. 08-CV-00556 (GEL)

**Electronically filed
ECF Case**

**NOTICE OF MOTION
FOR ADMISSION
PRO HAC VICE OF
RYAN A. HORNING**

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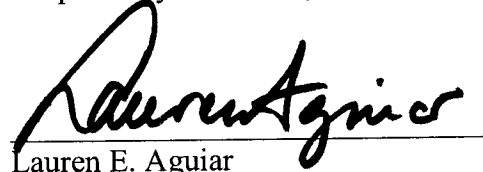
PLEASE TAKE NOTICE that, upon the annexed Affirmation of Lauren E. Aguiar, the Affidavit of Ryan A. Horning, and attachments thereto, submitted herewith, Ball Corporation, through the undersigned, will move this Court before the Honorable Gerard E. Lynch, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, as soon as counsel may be heard, for an order pursuant to Rule 1.3(c) of the Rules of the United States District Court for the Southern District of New York, admitting Ryan A. Horning to practice *pro hac vice* in the above-captioned matter. For the Court's convenience, a form of Order is annexed hereto.

Dated: New York, New York
February 20, 2008

FEB 20 2008

970 925-642645

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lauren E. Aguiar", written over a horizontal line.

Lauren E. Aguiar
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
Tel: (212) 735-3000

Attorney for Ball Corporation

Of Counsel

Charles F. Smith
Ryan A. Horning
Christie O. Tate
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
333 West Wacker Drive
Chicago, Illinois 60606
(312) 407-0700

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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No. 08-CV-00556 (GEL)

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AFFIRMATION OF
LAUREN E. AGUIAR
IN SUPPORT OF
MOTION FOR ADMISSION
PRO HAC VICE

Lauren E. Aguiar, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a member of the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, counsel in this matter for Ball Corporation. I am a member of the bar of the State of New York and admitted to practice in the United States District Court for the Southern District of New York.

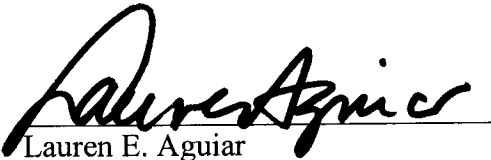
2. I make this affirmation in support of the motion, pursuant to Local Rule 1.3(c), for the admission of Ryan A. Horning to practice *pro hac vice* in the above-captioned matter. I know Mr. Horning to be of the highest character and fully recommend his admission. Mr. Horning serves as counsel to Ball Corporation. (See Affidavit of Ryan A. Horning, annexed hereto).

3. As shown in the Certificate of Admission annexed to his affidavit in support of his admission *pro hac vice*, Mr. Horning is a member in good standing of the bar of Illinois. He is familiar with the Federal Rules of Civil Procedure and with the

Rules of the United States District Court for the Southern District of New York. (See
Affidavit of Ryan A. Horning annexed hereto).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 20, 2008


Lauren E. Aguiar

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BERKSHIRE PARTNERS LLC,

Plaintiff/Counterclaim-defendant,

- against -

BALL CORPORATION,

Defendant/Counterclaim-plaintiff.

No. 08-CV-00556 (GEL)

**Electronically filed
ECF Case**

**AFFIDAVIT OF
RYAN A. HORNING
IN SUPPORT OF
MOTION FOR ADMISSION
PRO HAC VICE**

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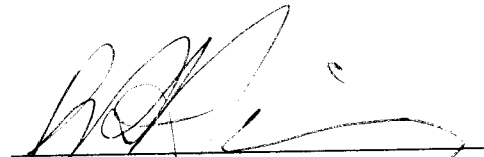
STATE OF ILLINOIS)
)ss:
COUNTY OF COOK)

Ryan A. Horning, being duly sworn, deposes and states that:

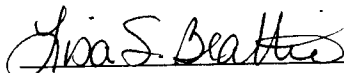
1. I am counsel in this matter for Ball Corporation.
2. I make this affidavit in support of the motion for my admission to practice *pro hac vice* in the above-captioned matter.
3. I am an associate with the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, 333 West Wacker Drive, Chicago, Illinois 60606, telephone number (312) 407-0700, facsimile number (312) 407-0411.

4. As shown in the Certificate of Admission annexed hereto, I am a member in good standing of the bar of Illinois. I am admitted to practice before the United States District Court for the Northern District of Illinois. I am familiar with the Federal Rules of Civil Procedure and with the Rules of the United States District Court for the Southern District of New York.




Ryan A. Horning

Sworn to before me
this 19th day of February 2008.


Notary Public

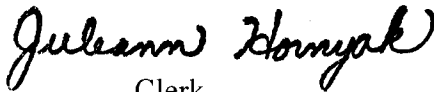
Certificate of Admission To the Bar of Illinois

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Ryan Andrew Horning

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 6, 2003 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto
placed my hand and affixed the seal
of said Supreme Court, at Springfield,
in said State, this Friday, February 08, 2008.


Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BERKSHIRE PARTNERS LLC,	:	
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- against -	:	
	:	Electronically filed
BALL CORPORATION,	:	<u>ECF Case</u>
	:	
Defendant/Counterclaim-plaintiff.	:	ORDER
	:	
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Upon consideration of the foregoing Notice of Motion for Admission *Pro Hac Vice* of Ryan A. Horning, and good cause having been shown,

IT IS SO ORDERED, this ____ day of February 2008, that such motion is GRANTED.

GERARD E. LYNCH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

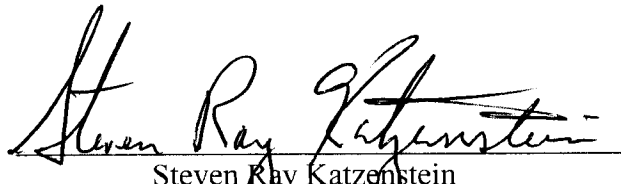
The undersigned, an attorney duly admitted to practice law before this Court, hereby certifies under penalty of perjury, that on February 20, 2008, I caused a true copy of the

- ***Notice of Motion for Admission Pro Hac Vice of Ryan A. Horning with the annexed Affirmation of Lauren E. Aguiar in Support of Motion for Admission Pro Hac Vice dated February 20, 2008, Affidavit of Ryan A. Horning in Support of Motion for Admission Pro Hac Vice sworn to on the 19th day of February 2008 and [Proposed] Order,***
- ***Notice of Motion for Admission Pro Hac Vice of Christie O. Tate with the annexed Affirmation of Lauren E. Aguiar in Support of Motion for Admission Pro Hac Vice dated February 20, 2008, Affidavit of Christie O. Tate in Support of Motion for Admission Pro Hac Vice sworn to on the 19th day of February 2008 and [Proposed] Order and***
- ***Notice of Motion for Admission Pro Hac Vice of Charles F. Smith with the annexed Affirmation of Lauren E. Aguiar in Support of Motion for Admission Pro Hac Vice dated February 20, 2008, Affidavit of Charles F. Smith in Support of Motion for Admission Pro Hac Vice sworn to on the 19th day of February 2008 and [Proposed] Order***

to be served upon the following party by hand delivery:

Jerome C. Katz
Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036

Dated: New York, New York
February 20, 2008


Steven Ray Katzenstein